

# EXHIBIT B

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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VALERIE D. WATSON-SMITH, AND ALL)

OTHERS SIMILARLY SITUATED, )

Plaintiffs, )

vs. ) No. C07-05774

SPHERION PACIFIC WORKFORCE, LLC, )

and DOES 1 through 100, )

inclusive, )

Defendants. )

**Certified Copy**

DEPOSITION OF VALERIE WATSON-SMITH

Thursday, August 14, 2008

REPORTED BY:

YVONNE FENNELLY, CSR NO. 5495

**CD-ROM  
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August 14, 2008

San Francisco, CA

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1           **A.     Five.**

2           Q.     Were there any other recruiters, Spherion  
3 recruiters in Building 5?

4           **A.     Yes.**

5           Q.     About how many when you went to work  
6 there?

7           **A.     Three or four.**

8           Q.     And do you know what building Tom worked  
9 in?

10          **A.     Building 3.**

11          Q.     Do you know how many recruiters, Spherion  
12 recruiters there were in Building 3?

13          **A.     No.**

14          Q.     Was there more than just Tom?

15          **A.     Yes.**

16          Q.     Do you know how many -- this is when you  
17 first went to work at Cisco -- do you know how many  
18 Spherion recruiters there were onsite there at the  
19 time?

20          **A.     No.**

21          Q.     Can you estimate for me?

22          **A.     Yes.**

23          Q.     How many would you say?

24          **A.     15 to 25.**

25          Q.     At the time you left, or were laid off at

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1 Cisco, how many recruiters, Spherion recruiters,  
2 were there at that time?

3 **A. I don't know.**

4 Q. Was it more than 15 to 25 or less than 15  
5 to 25?

6 **A. Less.**

7 Q. And between the time you started at  
8 Spherion and left -- I mean at Cisco and left --  
9 did the number of Spherion recruiters onsite  
10 increase?

11 **A. Can you repeat the question?**

12 Q. Sure.

13 You testified that there were about 15 to  
14 25 Spherion recruiters onsite at Cisco when you  
15 started working there and less than that when you  
16 left.

17 My question would be, during the time in  
18 between, did the number of recruiters increase or  
19 stay about the same?

20 **A. It stayed about the same.**

21 Q. Now, as a recruiter at Spherion Cisco,  
22 did you have assistants that worked for you?

23 **A. Can you ask the question again, please?**

24 Q. Sure.

25 Did you have assistants working for you

1 Q. Did Richard Cho know when you came to  
2 work and when you left?

3 A. No.

4 Q. He didn't follow your schedule?

5 A. No.

6 MR. QUALLS: May I speak to you for a  
7 moment?

8 (Recess taken.)

9 THE WITNESS: Can you repeat the  
10 question?

11 (Record read.)

12 THE WITNESS: Correct; he did not  
13 micromanage me like that, but he did know I was  
14 working via e-mail exchange between him and I, and  
15 also phone calls, voicemails before and after  
16 hours, and weekends.

17 BY MR. SANDERSON:

18 Q. Most of your work was either done on the  
19 computer or on the phone?

20 Let me ask you another way.

21 You had a computer that Cisco issued you;  
22 right?

23 A. Correct.

24 Q. A laptop?

25 A. Yes.

1 and hiring a custodial person?

2 **A. Correct.**

3 Q. And your testimony was you don't know if  
4 all of the Spherion Cisco recruiters were technical  
5 recruiters?

6 **A. I don't know that.**

7 Q. Okay.

8 Did Richard Cho ever discuss your  
9 schedule with you?

10 MR. QUALLS: Objection; vague.

11 BY MR. SANDERSON:

12 Q. Did he ever tell you that you needed to  
13 come in at a certain time?

14 **A. No.**

15 Q. Did he ever tell you that you couldn't  
16 take a break?

17 **A. No.**

18 Q. Did he ever tell you what time to leave  
19 at the end of the day?

20 **A. No.**

21 Q. He never had any discussions with you  
22 about those terms and conditions of your  
23 employment?

24 **A. Correct.**

25 Q. Is it fair to say that you worked, as a

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1 Q. There are days when most of the day would  
2 have been scheduled?

3 A. Correct.

4 Q. You understood that you could take time  
5 to go get lunch; correct?

6 MR. QUALLS: Objection; vague, lacks  
7 foundation. That's a vague question.

8 BY MR. SANDERSON:

9 Q. Well, earlier you testified that you were  
10 trying to find time to get a sandwich here or  
11 there.

12 A. Correct.

13 Q. There were days you took a half an hour  
14 lunch break; right?

15 A. No.

16 Q. Not in the entire time you were employed  
17 there?

18 MR. QUALLS: Objection; calls for a legal  
19 conclusion.

20 You mean a half hour uninterrupted  
21 off-duty lunch break; is that what you're  
22 specifically asking her?

23 She's entitled to know what you mean by  
24 that. The record should be clear about that.

25 MR. SANDERSON: Well, it's plain English,

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1 a 30-minute lunch break. I'm not asking for a  
2 legal conclusion.

3 MR. QUALLS: All right, but that could  
4 also be off duty. I think that description of what  
5 you're asking, I presume you're asking this witness  
6 to respond to.

7 So he means a 30-minute off-duty lunch  
8 break; that's what he means.

9 THE WITNESS: No.

10 BY MR. SANDERSON:

11 Q. So during -- strike that.

12 There was not one day during the entire  
13 time you worked as a Spherion Cisco recruiter that  
14 you met a friend for lunch for 30 minutes?

15 **A. Very rarely.**

16 Q. So it did happen?

17 MR. QUALLS: Objection; vague.

18 He's asking you if that specific  
19 30-minute off-duty lunch break ever happened.

20 THE WITNESS: I don't understand. I  
21 don't understand what you're asking.

22 BY MR. SANDERSON:

23 Q. Okay.

24 There are days you met friends for lunch;  
25 right?



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1 Q. But the badge data would show that;  
2 right?

3 MR. QUALLS: Objection; calls for  
4 speculation.

5 She's testified it doesn't show an exit  
6 time.

7 BY MR. SANDERSON:

8 Q. There were times you were working at home  
9 when you were a Spherion Cisco recruiter when you  
10 would do personal things during the day; right?  
11 Nonbusiness-related?

12 MR. QUALLS: Objection; vague.

13 You can answer.

14 THE WITNESS: Yes.

15 BY MR. SANDERSON:

16 Q. For example, there would be times during  
17 the day when you would shop on the internet; right?

18 MR. QUALLS: Objection; vague.

19 THE WITNESS: No.

20 BY MR. SANDERSON:

21 Q. Did Richard Cho ever tell you that you  
22 couldn't take a lunch break?

23 A. No.

24 Q. Did Jenny Dede ever tell you that you  
25 couldn't take a lunch break?

1           **A.    No.**

2           Q.    Did anybody at Spherion ever tell you  
3   that you were not entitled to take a lunch break?

4           **A.    No.**

5           Q.    Do you have a home office set up?

6           **A.    Yes.**

7           Q.    So you had a place specifically for you  
8   to work, do Spherion work?

9           **A.    Yes.**

10          Q.    Did you have kids at home at that time?  
11               That lacks foundation.

12               Let me ask the question I should have  
13   asked before that.

14               Do you have children?

15          **A.    Yes.**

16          Q.    How old are they?

17          **A.    She's 21.**

18          Q.    One daughter?

19          **A.    One daughter.**

20          Q.    So during the time that you were a  
21   Spherion Cisco recruiter, she would have been about  
22   19?

23          **A.    Yes.**

24          Q.    Was she living at home?

25          **A.    She was away at college.**

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1 aren't mutually exclusive.

2 You can answer.

3 MR. SANDERSON: I'm just using her  
4 language.

5 MR. QUALLS: You can answer.

6 THE WITNESS: We all said it in passing.  
7 It was a standing joke.

8 BY MR. SANDERSON:

9 Q. Did Mr. Cho say anything in response to  
10 your comment?

11 A. He would laugh.

12 Q. Did you ever tell Richard Cho that I need  
13 a 30-minute meal period every day?

14 A. No.

15 Q. Switching to Kaiser now, as a Kaiser  
16 recruiter, did you take your meal periods?

17 MR. QUALLS: Objection; lacks foundation,  
18 vague.

19 You can answer.

20 THE WITNESS: At one point.

21 BY MR. SANDERSON:

22 Q. At what point did you take meal periods  
23 when you were a recruiter at Kaiser?

24 A. When a Spherion person from the San Ramon  
25 office called me and eventually told me I need to



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1 Are you asking her was she not recording  
2 meal periods that she, in fact, was taking; is that  
3 what you're asking?

4 MR. SANDERSON: No, no.

5 I'll start over.

6 BY MR. SANDERSON:

7 Q. As a recruiter at Kaiser, eventually you  
8 were told to record your meal periods; is that  
9 correct?

10 A. Yes.

11 Q. And after you were told to record your  
12 meal period, did you begin to take meal periods?

13 A. Yes.

14 Q. Prior to the time you were told to record  
15 your meal period, did you take meal periods?

16 A. No.

17 Q. Do you know why the Spherion branch  
18 person told you to begin recording your meal  
19 periods?

20 MR. QUALLS: Do you know why she called  
21 you?

22 THE WITNESS: No.

23 BY MR. SANDERSON:

24 Q. She just -- what did she tell you when  
25 she called you?

1           A.     She asked me was I taking lunch?

3 Q. What did you say?

5 Q. And what did she say?

6           A.     She said, you need to take lunch.

7 Q. Was she more specific than that?

8           A.     She may have been. You know, she's  
9     saying I need to take lunch and I need to put it  
10    down. You know, they wanted to make sure --

11 MR. QUALLS: Don't say what they wanted  
12 you to do unless they told you what they wanted to  
13 do.

14 BY MR. SANDERSON:

15 Q. Okay, but she told you, number one, that  
16 you had to take lunch, and, number two, that you  
17 needed to put it down on your time sheet; right?

19 Q. Just real quick, you claim that you have  
20 unreimbursed expenses in your employment as a Cisco  
21 recruiter?

23 Q. Well, part of your complaint is a claim,  
24 a request for reimbursement for expenses, and I  
25 just want to go through what those expenses were.